

MCImetro and Brooks Fiber filed the Petition on April 14, 2000, and BellSouth responded on May 9, 2000. At the June 6, 2000 Authority Conference, the Directors voted unanimously to accept the Petition for arbitration, appoint the Directors as Arbitrators and General Counsel or his designee as the Pre-Arbitration Officer, and direct the parties to participate in substantive mediation.

MCI and Brooks are affiliates and are seeking interconnection agreements with BellSouth with the same terms and conditions. MCI and Brooks attached a draft of the Agreement to the Petition, reflecting the negotiations of the parties to date, and requested that the Authority approve the portions of the Agreement that had been agreed to by the parties at that point. Essentially, MCI and Brooks requested the Authority to approve that portion of the Agreement not being arbitrated. MCI and Brooks proposes, upon completion of arbitration, to file all remaining arbitrated issues as amendments to this approved Agreement. In BellSouth's May 9, 2000 response to the Petition, it objected to the Authority approving the Agreement piecemeal, as proposed by MCI and Brooks.

The Federal Telecommunications Act of 1996 provides for the approval of a negotiated or an arbitrated interconnection agreement by State Commissions, not a mixture of both. Therefore, the Authority determines that if the parties have a negotiated interconnection agreement that sets forth the rates, terms and conditions under which the parties will operate, the parties should submit this agreement to the Authority for approval in a docket other than this arbitration docket.


**IT IS THEREFORE ORDERED THAT:**

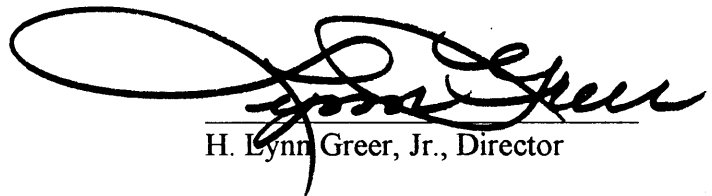
1. The petition of MCImetro Access Transmission Services, LLC and Brooks Fiber Communications of Tennessee for arbitration of an interconnection agreement with BellSouth Telecommunications, Inc. pursuant to Section 252 of the Federal Telecommunications Act of 1996 is accepted;
2. The Directors shall serve as Arbitrators;
3. General Counsel or his designee is appointed to serve as the Pre-Arbitration Officer;


4. The parties are directed to participate in substantive mediation, at the direction of the Pre-Arbitration Officer, and each party shall have a representative at such mediation with the authority to make decisions necessary to resolve the remaining issues;

5. The Authority rejects the proposal of MCI and Brooks that the Authority approve the Agreement, excluding the issues that are in dispute, within this arbitration docket; and

6. Any party aggrieved with the Authority's decision in this matter may file a Petition for Reconsideration with the Authority within fifteen (15) days from and after the date of this Order.

  
Melvin J. Malone, Chairman

  
H. Lynn Greer, Jr., Director

  
Sara Kyle, Director

ATTEST:

  
K. David Waddell, Executive Secretary